



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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**CRM-M No.40843 of 2025  
Date of decision : 5.8.2025**

**Nitin****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Munish Behl, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

Mr. Praveen Sharma, Advocate, for the complainant

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.38 dated 6.3.2025, under Sections 109, 115(2), 287, 3(5), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 and 29 of Arms Act, 1959, registered at Police Station Saha, District Ambala (inadvertently, Section 29 of Arms Act, 1957 is not mentioned in order dated 29.4.2025) (Sections 109(1), 115, 287, 3(5), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25(1-B)(a) and 29 of Arms Act, 1959 were omitted in the prayer clause inadvertently).

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-



*'To, The SHO, Police Station Saha. It is submitted that I, Salim son of Bittu Ram, am resident of Village Laha Majri, Police Station Saha, District Ambala, and do Waiter Work in Hotels. Today in the afternoon, Phone call was received from Mobile Number 97293-70269 at my Mobile Number 79888-56545, and the caller stated that "I Dinesh Pal @ Deshi Village Mehmudpur, am speaking. You will be taught a lesson by me with regard to abuses given in the old fight" and he upon phone itself, started giving me abuses by the name of mother and sister, and he started giving me threat to kill by visiting my village. After some time, I, Sikander & Gurpreet, were sitting in government school of our village, and then Dineshpal @ Deshi, Village Mehmudpur accompanied with other boys on motor cycles, came to our village and Dineshpal @ Deshi, after alighting from motor cycle, took out gun ('katta') from his 'dab' and by pointing the same towards me, made two round fires. Whereupon, I, for protecting my life, jumped into Wheat Field and survived very fortunately. Thereafter, Dineshpal @ Deshi & his companions caught me and scuffled with me. After hearing the noise of gunshot, lot of villagers gathered. Upon seeing villagers gathering, Dinesh Pal @ Deshi & his companions, while leaving one Splendor Motorcycle bearing no. PB70B-0923 at spot, ran away from the spot. It is my request to you that strict legal action be taken against Dineshpal @ Deshi and his companions and justice may kindly be imparted to me. Sd/-Salim 7985856545....."'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.3.2025. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question on account of an old rivalry. Learned counsel has further argued that Section 109 of BNS is primarily invoked on account of alleged fire shot at the end of co-accused Dinesh Pal @ Deshi and the present petitioner has been stated to be only accompanying the said Dinesh Pal @ Deshi. Learned counsel has further submitted that a settlement has now been arrived at with the intervention of elders between the accused-side and the FIR-complainant. Thus, regular bail is prayed for.



4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 4.8.2025 in Court, which is taken on record.

Learned counsel for the complainant has verified the veracity of the mutual compromise between the parties (copy whereof has been appended alongwith the petition as Annexure P-2).

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.3.2025 whereinafter investigation was carried out and challan was presented on 12.6.2025. Total 16 prosecution witnesses have been cited but none has been examined till date. The rival contentions of learned counsel for the parties; including as to whether the offence under Section 109 of BNS is made out against the petitioner in the factual matrix of the case as also the weightage/veracity required to be attached to the mutual compromise entered into between the parties; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 4.8.2025 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of about 4 months and 17 days. As per the said custody certificate, the petitioner is stated to be involved in another FIR under the Arms Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-



- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

**(SUMEET GOEL)**  
**JUDGE**

**5.8.2025**  
*Ashwani*

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No